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09/762,852	01/02/2002	Simon Hunt	0234/00070	9817

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,852

Applicant(s)

HUNT, SIMON

Examiner

Justin E. Shepard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "29" in figures 5, 6, and 10b have been used to designate both "Agent 1" and "Agent 2". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because part 16 in figures 6, 7, and 12b are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because part 26 in figures 10a, 10b, and 11 are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Part 27 as listed on: page 11, line 10; page 12, lines 18 and 25; page 13, lines 20, 21, and 25; page 14, lines 1 and 28; and page 15, line 5 are not shown in the drawings.

Part 27 listed on page 12, line 25 is labeled as a "broadcast network video feed" while the rest of the instances of part 27 are labeled as a "head end control system."

Part 26 on page 24, line 25 is labeled as "Switching Interface" while in the drawing it is labeled as "Database" in figure 9.

Appropriate correction is required.

Claim Objections

5. Claim 21 is objected to because of the following informalities: It is dependent on claim 1, which was cancelled. The claim will be examined as depending on claim 20.

Appropriate correction is required.

Claim 22 is objected to because of the following informalities: It is dependent on claim 1, which was cancelled. The claim will be examined as depending on claim 20. Appropriate correction is required.

Claim 23 is objected to because of the following informalities: It is dependent on claim 2, which was cancelled. The claim will be examined as depending on claim 21. Appropriate correction is required.

Claim 24 is objected to because of the following informalities: It is dependent on claim 1, which was cancelled. The claim will be examined as depending on claim 20. Appropriate correction is required.

Claim 26 is objected to because of the following informalities: It is dependent on claim 6, which was cancelled. The claim will be examined as depending on claim 25. Appropriate correction is required.

Claim 27 is objected to because of the following informalities: It is dependent on claim 6, which was cancelled. The claim will be examined as depending on claim 25. Appropriate correction is required.

Claim 29 is objected to because of the following informalities: It is dependent on claim 9, which was cancelled. The claim will be examined as depending on claim 28. Appropriate correction is required.

Claim 30 is objected to because of the following informalities: It is dependent on claim 10, which was cancelled. The claim will be examined as depending on claim 29. Appropriate correction is required.

6. Claim 31 is objected to because of the following informalities: It is dependent on claim 10, which was cancelled. The claim will be examined as depending on claim 29. Appropriate correction is required.

Claim 32 is objected to because of the following informalities: It is dependent on claim 10, which was cancelled. The claim will be examined as depending on claim 29. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: It is dependent on claim 11, which was cancelled. The claim will be examined as depending on claim 30. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: It is dependent on claim 12, which was cancelled. The claim will be examined as depending on claim 31. Appropriate correction is required.

Claim 38 is objected to because of the following informalities: It is dependent on claim 18, which was cancelled. The claim will be examined as depending on claim 37. Appropriate correction is required.

Claim 41 is objected to because of the following informalities: It is dependent on claim 21; although the dependency is based on an element not listed in claim 21, but the element is listed in claim 40. The claim will be examined as depending on claim 40. Appropriate correction is required.

7. Claims 28, 33, 36, 37, 39, 40, and 42 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can't depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not

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been further treated on the merits. The claims will be examined as depending on claim 1.

Claims 25, 39, and 40 are objected to because of the following informalities: The claims use the term "and/or" which is indefinite. The claims are being interpreted using the word or in place of "and/or." Appropriate correction is required.

Claim 23 is objected to because of the following informalities: The word "or" should be deleted. Appropriate correction is required.

Claim 36 is objected to because of the following informalities: The term "ol' " should be deleted. Appropriate correction is required.

Claim 38 is objected to because of the following informalities: The term "said means" is indefinite, as it does not specify a specific means. The claim is being examined interpreting means to be the means from the preceding claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20, 22, 24, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by McCalley.

9. Referring to claim 20, McCalley discloses an interactive system for enabling TV shopping (column 1, lines 55-58; column 9, lines 11-13) from a central provider by remote customers, said system comprising: two network distribution means enabling video and audio communication to be established between the remote customers and the central provider (column 5, lines 50-53; column 6, lines 49-52; figure 1), one of said distribution means enabling customer telephone communications with the central provider to be routed to particular advisor workstations (column 10, line 60-64) operated by human operators of the central provider (column 10, lines 48-51), there being a plurality of such advisor workstations (column 22, lines 55-56), and one of said distribution means enabling one-way audio and video communications (column 11, lines 25-28) from the plurality of human operated workstations to be routed to the respective customers to whom the telephone communications are connected (figure 2); means enabling said human operators working at said workstations to communicate interactively (column 10, lines 48-51) with the customers and provide images including images of said operators to the customers to be viewed on the customers' televisions

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(column 11, lines 11-16); and means enabling the human operators and the customers to effect transactions (column 10, lines 58-60).

10. Referring to claim 22, McCalley discloses an interactive system as claimed in claim 20, wherein said means providing images to the customers comprises graphics generating means (column 12, lines 51-57).

Referring to claim 24, McCalley discloses an interactive system as claimed in claim 20, wherein said means providing images comprises signal mixing means for combining video signals generated at the central provider with graphics generated data and means for compressing the combined signals for transmission to the remote customers (column 12, lines 51-57).

Referring to claims 28 and 29, McCalley discloses an interactive system as claimed in claim 20, wherein said means enabling agents to communicate interactively with the customers comprises a broadcast network interface; wherein said broadcast network interface comprises an audio and video feed interface (figure 1).

11. Referring to claims 31 and 35, McCalley discloses an interactive system as claimed in claim 29, wherein said audio and video feed provided to the customer is adapted to include customer address information and is transmitted by address circuit means at one or more of the respective customers' locations in dependence upon address instructions from the video head end of said one of said distribution means enabling video communications to be routed to the customers, thereby permitting the feed to be viewed on the customers' televisions (column 7, lines 7-10); wherein the address circuit means and the customer's TV are integrally connected (column 7, lines

17-19; figure 1; Note: there is no set top box shown, so the addressing is being interpreted as being integrated into the television).

12. Referring to claim 33, McCalley discloses an interactive system as claimed in 20, wherein said images are arranged to be viewed on a selected channel of the customer's TV upon communication to the customer of the respective channel number by one of said human operators (column 16, lines 52-56).

Referring to claims 37 and 38, McCalley discloses an interactive system as claimed in claim 20, further comprising means for providing a service to the customers via an automated system when the human operators are busy (column 18, lines 49-56); wherein said means is an interactive voice responding system (Note: a system where the phone number is taken when operators are busy is interpreted as automated as the operators are busy and wouldn't be able to take the call).

Referring to claim 39, McCalley discloses an interactive system as claimed in claim 20, further comprising image-capturing means at the central provider for providing live images of said human operators and/or of available products to be shopped (column 11, lines 11-16).

13. Referring to claims 40 and 41, McCalley discloses an interactive system as claimed in claim 20, further comprising means for storing data in analogue and/or digital form (column 5, lines 43-48); wherein said data storing means comprises a video library system (Note: as the data storage system is listed as replacing video discs, it is being interpreted as a video library system).

Referring to claim 42, McCalley discloses an interactive system as claimed in claim 20, further comprising supervising means for providing a facility for overseeing the configuration and maintenance of said system in use (column 10, lines 4-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23, 25, 26, 27, 30, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCalley in view of Baechle.

14. Referring to claim 21, McCalley does not disclose an interactive system as claimed in claim 20, wherein said distribution means comprises control/switching means for enabling said customer communications to be routed to and from said workstations of the central provider over both of said distribution means.

Baechle discloses an interactive system as claimed in claim 20, wherein said distribution means comprises control/switching means for enabling said customer communications to be routed to and from said workstations of the central provider over both of said distribution means (figure 1, parts 32 and 34; Note: both the telephone and video are being multiplexed onto the same line, which is being interpreted as equivalent to enabling the data to be routed over either network, as they are the same network).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the interactive system disclosed in McCalley to use the network

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connection taught by Baechle. The motivation for doing so would have been to simplify the network and reduce the dependency on multiple networks therefore decreasing the risk of failure.

15. Referring to claim 23, McCalley discloses an interactive system as claimed in claim 21, wherein the provided images comprise live video images of said human operators (column 11, lines 11-16).

Referring to claims 25 and 26, McCalley does not disclose an interactive system as claimed in any preceding claim, wherein one of said remote customers is enabled to initiate communication with one of said human operators by activation of menu button means and/or on-screen icon means on said customer's television; wherein said initiated communication provides a service request signal via said means enabling human operators to communicate interactively with said customers.

Baechle discloses an interactive system as claimed in any preceding claim, wherein one of said remote customers is enabled to initiate communication with one of said human operators by activation of menu button means and/or on-screen icon means on said customer's television (column 4, lines 38-41); wherein said initiated communication provides a service request signal via said means enabling human operators to communicate interactively with said customers (column 1, lines 49-55).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the interactive system disclosed in McCalley to use the network connection and one button connection taught by Baechle. The motivation for doing so would have been to simplify the system by using one network for all of the

communications, making it simple to add a button to the single network communication device to make a connection between the customer and a service agent.

16. Referring to claim 27, McCalley discloses an interactive system as claimed in claim 25, wherein a telephone call is initiated back to the remote customer from the central provider on a designated telephone number in response to said initiated communication by the customer (column 18, lines 49-56).

Referring to claims 30 and 34, McCalley discloses an interactive system as claimed in claim 29, wherein the audio and video feed provided to the customer is scrambled and is adapted to be unscrambled by decoder means at one or more of the respective customer's locations so as to permit said feed to be received on said customers' televisions (column 7, lines 7-10, 17-19).

McCalley does not disclose an interactive system wherein the decoder means and the customer's TV are integrally connected.

Baechle discloses an interactive system wherein the decoder means and the customer's TV are integrally connected (figure 1, part 12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to use a decoder connected to a television as taught by Baechle in the system disclosed in McCalley. The motivation for doing this would have been to make the system a possible upgrade to a person's television, and not something that would require purchasing a new television to use.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCalley in view of Beckett.

McCalley does not disclose an interactive system as claimed in any claim 20, further comprising means for recording the dialogue of interactive communications between the human operators and the customers over both said distribution means.

Beckett discloses an interactive system as claimed in any claim 20, further comprising means for recording the dialogue of interactive communications between the human operators and the customers over both said distribution means (column 3, lines 3-10).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the dialog recording from Beckett in the interactive shopping system disclosed in McCalley. The motivation would have been to expand on the data recording features already disclosed in McCalley (column 23, lines 34-36) to give a complete history of the customer's dealings with the company.

17. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCalley in view of Akins.

McCalley does not disclose an interactive system as claimed in claim 10, wherein the audio and video feed provided to the customer is (a) scrambled and adapted to include customer address information and transmitted by address circuit means at one or more of the respective customers' locations in dependence upon address instructions from the video head end of said one of said distribution means enabling video communications to be routed to the customers and (b) unscrambled by decoder means at said one or more of the customers' locations so as to permit said feed to be received on the customers' televisions for viewing.

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Akins discloses an interactive system as claimed in claim 10, wherein the audio and video feed provided to the customer (figure 1, part 20) is (a) scrambled (column 7, lines 42-44; figure 1, part 46 or 48) and adapted to include customer address information and transmitted by address circuit means at one or more of the respective customers' locations (column 7, lines 45-50) in dependence upon address instructions from the video head end of said one of said distribution means enabling video communications to be routed to the customers (column 7, line 52) and (b) unscrambled by decoder means at said one or more of the customers' locations so as to permit said feed to be received on the customers' televisions for viewing (figure 2B, part 110).

At the time of the invention it would have been obvious to one of ordinary skill in the art to add the scrambling/addressing system disclosed by Akins to the interactive shopping system disclosed in McCalley. The motivation for doing this would have been to only authorized specific people or groups to have access to the broadcast (column 7, lines 33-36).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weinberger, U.S. Patent Number 6,499,027, Airplane Based Interactive Service System.

Battistini, U.S. Patent Number 5,907,275, Restaurant Based Interactive Service System.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


VIVEK SRIVASTAVA
PRIMARY EXAMINER